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buffer. About 100 tomato seeds (variety, Marglobe) were submerged in 20 ml of peptide solution overnight. The soaked seeds were planted in an 8 inch pot with artificial soil. Seeds soaked in the buffer without the peptide were used as a control. After seedlings emerged and the first two true leaves fully expanded, the height of the tomato seedlings was recorded. The peptide was not able to elicit the HR in tobacco and other tested plants. However, it had a profound effect on plant growth promotion. Table 9 shows that tomato seedlings treated with the peptide increased 12.6 % in height, indicating that the fungal peptide derived from the 42 kDa glycoprotein can promote tomato seedling growth. Extended studies showed that the peptide also had similar growth effect in other crops including tobacco. Similar growth promotion effects were achieved by plants sprayed with the peptide solution.

In the Claims:

✓ Please cancel claims 10-29 and 39-47, without prejudice.

Please amend claims 1, 2, 4-7, 9, 30, 33, and 36 as follows:

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#22

1. (Amended) An isolated fragment of a hypersensitive response elicitor protein or polypeptide, wherein said fragment does not elicit a hypersensitive response but has other activity in plants, said other activity comprising imparting disease resistance, enhancing plant growth, and/or controlling insects.

2. (Amended) An isolated fragment according to claim 1, wherein the hypersensitive response elicitor protein or polypeptide is derived from an *Erwinia*, *Pseudomonas*, *Xanthomonas*, or *Phytophthora*.

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4. (Amended) An isolated fragment according to claim 3, wherein the fragment is selected from the group consisting of a C-terminal fragment of the amino acid sequence of SEQ ID NO: 23, an N-terminal fragment of the amino acid sequence of SEQ ID NO: 23, and an internal fragment of the amino acid sequence of SEQ ID NO: 23.

Sub B91

5. (Amended) An isolated fragment according to claim 4, wherein the fragment is a C-terminal fragment of the amino acid sequence of SEQ ID NO: 23 spanning the following amino acids of SEQ ID NO: 23: 169 and 403, 210 and 403, 267 and 403, or 343 and 403.

*A 33
Cont'd*

6. (Amended) An isolated fragment according to claim 4, wherein the fragment is an N-terminal fragment of the amino acid sequence of SEQ ID NO: 23.

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7. (Amended) An isolated fragment according to claim 4, wherein the fragment is an internal fragment of the amino acid sequence of SEQ ID NO: 23 spanning the following amino acids of SEQ ID NO: 23: 105 and 179, 137 and 166, 121 and 150, or 137 and 156.

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9. (Amended) An isolated fragment according to claim 8, wherein the fragment contains amino acids 190 to 294 of SEQ ID NO: 31.

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30. (Amended) A method of imparting disease resistance to plants comprising:
applying a fragment of a hypersensitive response elicitor protein or polypeptide in a non-infectious form to a plant or plant seed under conditions effective to impart disease resistance, wherein the fragment imparts disease resistance but does not elicit a hypersensitive response.

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33. (Amended) A method of enhancing plant growth comprising:
applying a fragment of a hypersensitive response elicitor protein or polypeptide in a non-infectious form to a plant or plant seed under conditions effective to enhance plant growth, wherein the fragment enhances plant growth but does not elicit a hypersensitive response.

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36. (Amended) A method of insect control for plants comprising:
applying a fragment of a hypersensitive response elicitor protein or
polypeptide in a non-infectious form to a plant or plant seed under conditions effective to
control insects, wherein the fragment controls insects but does not elicit a hypersensitive
response.